

Information for approved employers:

Transitioning to a PALM long-term position in Australia



The Pacific Australia Labour Mobility (PALM) scheme permits the onshore movement of workers on a seasonal contract under the Seasonal Worker Programme (SWP) or Pacific Labour Scheme (PLS) workers to a long-term contract (of up to 4 years) under the PALM scheme.

This factsheet outlines the process for 2 scenarios:

- 1 Transferring a worker who is currently in Australia on a 'seasonal' employment contract to a 'long-term' employment contract under the PALM scheme
- 2 Transferring a worker employed in a long-term contract under the Pacific Labour Scheme (PLS) to a long-term PALM placement for the remaining balance of up to 4 years. It is not a requirement that you are the original employer/sponsor of the worker.

Both of these scenarios will require the worker to lodge a new Subclass 403 PALM stream visa application in Australia to ensure the visa validity and visa conditions align with the new employment contract. It is important to note that Subclass 408 visa holders are not eligible to lodge a Subclass 403 PALM stream visa in Australia.

You are also required to explain any changes in relation to taxation and superannuation to workers who transition to a long-term position under these scenarios.

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SWP/PALM seasonal to PALM long-term

Eligibility

- If you are an approved employer and you have a *genuine, year-round, ongoing* role available (i.e. *not* consecutive seasonal placements), you must submit a new recruitment plan to the Pacific Labour Facility (PLF) including all relevant information such as valid labour market testing (LMT), hold a Pacific Labour Scheme (PLS) Deed of Agreement and meet all requirements set out in the PLS Deed of Agreement.
- It is expected that new roles will be offered at the equivalent or higher skill level. Workers must not be worse off overall and must genuinely consent to the extension and change of position.
- You do not have to be the original employer of the worker. However, if you are a subsequent employer, you can only employ the worker in their new long-term role once the term of their original placement has concluded or earlier, but only with the agreement of the original employer (and the worker).
- Seasonal workers who hold a Subclass 408 visa are not eligible to be considered for a long-term position under the PALM scheme.

Submitting a new recruitment plan

- You must notify the PLF by submitting the new recruitment plan indicating that you are recruiting a worker onshore rather than mobilising from a participating country. The recruitment plan needs to be submitted to recruitmentplans@pacificlabourfacility.com.au.
- The PLF will evaluate and confirm that the proposed arrangements comply with PALM scheme eligibility criteria before providing you with an endorsement number.
- Note: LMT is still required when submitting a recruitment plan for transition onshore.
 - Workers can only be recruited where you can demonstrate unmet labour needs and where you have genuinely attempted to employ suitable Australian workers first.

- It ensures Australian job seekers are given the opportunity to take up jobs before they are offered to workers under the PALM scheme.
 - An Australian worker is an Australian citizen or permanent resident.
 - The validity of LMT is 12 months.
 - Once your recruitment has been approved by the PLF, you may send offers of employment (OoE) to the worker(s) to sign.
 - Workers are only permitted to be engaged in an employment contract under the SWP/PALM scheme for a total consecutive period of 4 years. Therefore, employment periods will only be approved from the remaining balance of time, taking into consideration the time already spent in Australia on a seasonal work contract.
 - It is recommended that the AE engages with the Labour Sending Unit (LSU) or Country Liaison Officer (CLO) to assist in explaining any changes in language.
 - The details provided in the PALM stream visa application must align with the details of the new PALM recruitment approval and letter of employment. This includes the details of the sponsoring organisation and the employment period. Any discrepancies will delay the visa application process.
 - It is advised that you discuss the payment of the PALM Visa Application Charge (VAC) with workers prior to the transfer process. Workers (with the help of their employer) will be required to pay the \$315 VAC to lodge a new application. Payment of the VAC (upfront or through wage deductions over time) should be agreed with the consent of the worker.
 - Visa applications must be submitted through ImmiAccount to be assessed by the Department of Home Affairs.
- To assist you in lodging a PALM stream visa application, please refer to the [PALM visa application guide](#).

Transfer from seasonal to long-term employment in Australia

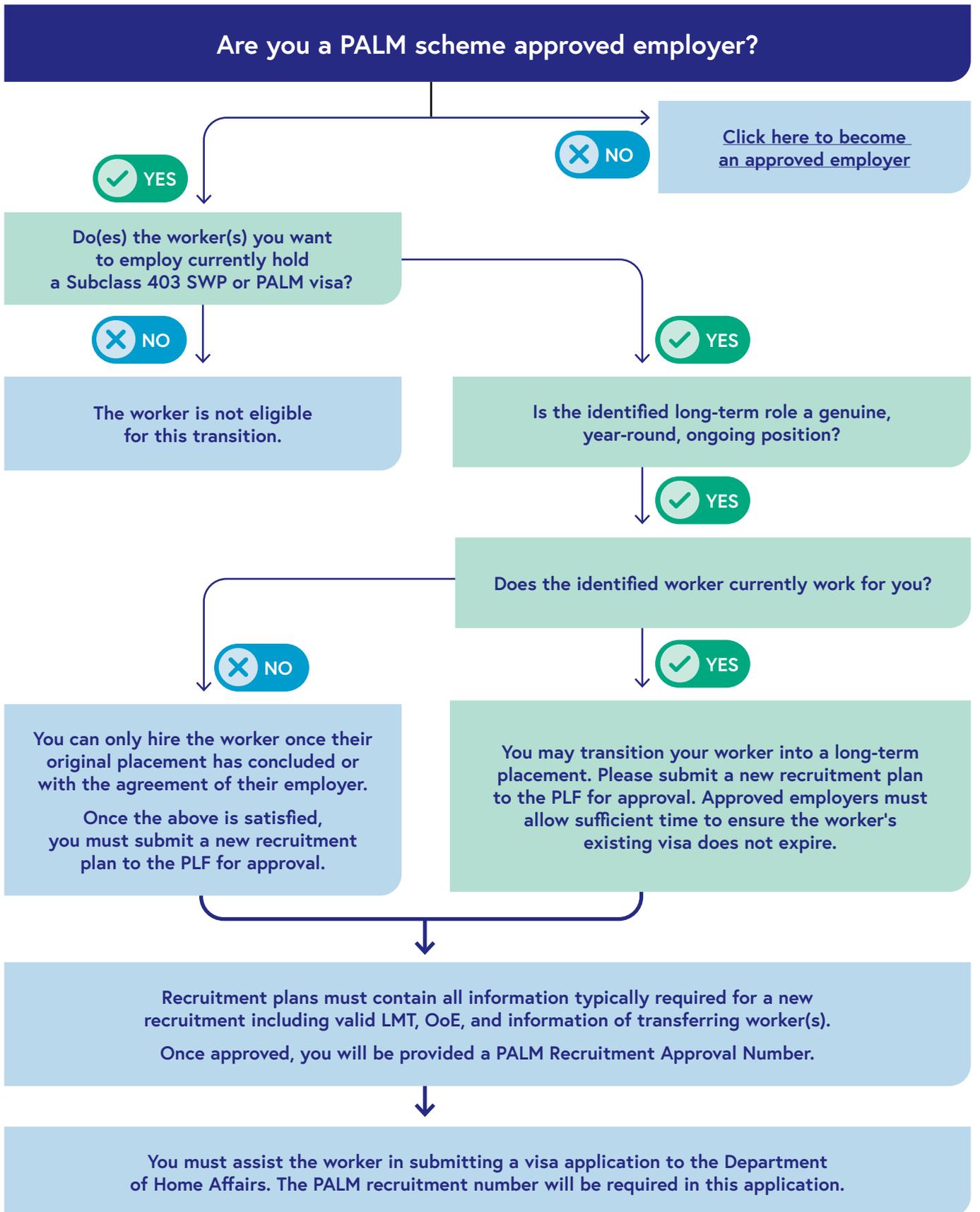
- Workers will be required to lodge a new PALM stream visa application in Australia to ensure the visa validity and visa conditions align with the new employment contract.
- A PALM recruitment approval number is required for all applicants to lodge a Subclass 403 Pacific Australia Labour Mobility stream visa. You must assist the worker to apply for this visa.

Mandatory offshore periods

- There is no MOP required to transfer from a 'seasonal' contract to a 'long-term' contract in Australia.
- As a holder of a PALM stream visa, workers can return home multiple times during their placement as long as they hold a valid visa. Any recreational time spent outside of Australia while they hold a PALM stream visa will not be included in the mandatory offshore period.



Process for transitioning a worker from SWP or PALM seasonal to PALM long-term



2 PLS to PALM long-term

Eligibility

- Existing PLS workers in Australia can transition to a long-term PALM placement for the remaining balance of up to 4 years. For example, if the worker has spent 3 consecutive years on a PLS stream visa they will be eligible for a 1-year contract under the PALM scheme. For a worker to transition from the PLS to the PALM scheme they do not need to remain employed by the original sponsor. However, if you are a subsequent employer/sponsor, you can only employ the worker in their new long-term role once the term of their original placement has concluded or with the agreement of the original employer.

Submitting a new recruitment plan

- You need to submit a new recruitment plan, including a new employment contract or addendum to the original contract indicating new placement start and end dates. This needs to be done well in advance of the initial contract expiring. You may not relocate the worker to their new placement until the new recruitment plan has been approved. Please ensure that the length of the new placement is within the worker's visa validity period.
- Labour market testing does not need to be done again.
- The recruitment plan needs to be submitted to recruitmentplans@pacificlabourfacility.com.au. Please notify the PLF that you are recruiting a worker onshore rather than mobilising from a participating country.
- The PLF will evaluate and confirm that the proposed arrangements comply with PALM scheme eligibility criteria before providing you with a recruitment approval endorsement number.

Onshore transfer between the PLS and PALM scheme

- Once your recruitment has been approved by the PLF, you may send offers of employment to the worker(s) to sign.
- The worker(s) can only remain in Australia for a maximum of 4 years from the date of their initial arrival in Australia on a PLS/PALM visa. The PALM recruitment approval endorsement number is required by all applicants to apply for a Subclass 403 Pacific Australia Labour Mobility stream visa. You must assist the worker to apply for this visa.
- The details provided in the PALM stream visa application must align with the details of the new PALM recruitment approval and letter of employment. This includes the details of the sponsoring organisation and the employment period. Any discrepancies will delay the visa application process.
- It is advised that you discuss the payment of the PALM Visa Application Charge (VAC) with workers prior to the transfer process. Workers (with the help of their employer) will be required to pay the \$315 VAC to lodge a new application. Payment of the VAC (upfront or through wage deductions over time) should be agreed through the consent of the worker.
- Visa applications must be submitted through ImmiAccount to be assessed by the Department of Home Affairs.

To assist you in lodging a PALM stream visa application please refer to the [PALM visa application guide](#).

Mandatory offshore periods

- Workers must leave Australia for 6 months after working in Australia for 4 years under the PLS/PALM scheme, before starting another PALM scheme long-term placement.
- Workers can return home multiple times during their placement as long as they hold a valid visa. A mandatory offshore period is only required when workers reach the end of a 4-year placement under the PLS/PALM scheme.

Until the new PALM Scheme Deed of Agreement and Approved Employer Guidelines are implemented, workers who undergo the visa transition from PLS to PALM Long-term stream will be bound by the PLS Deed and Guidelines.



Process for transitioning a worker from PLS to PALM long-term

